

REMARKS

In the application claims 1-4, 6-34, and 36-40 remain pending. Claims 5 and 35 have been canceled without prejudice. The claims as amended find support in the specification, figures, and claims as originally filed. No new matter has been added.

All of the pending claims presently stand rejected. The reconsideration of the rejection of the claims is respectfully requested.

In the Office Action, pending claims 1-40 were rejected under 35 U.S.C. § 102 as being anticipated by Coad (U.S. Patent No. 6,851,107). In response, it is respectfully submitted that a rejection under 35 U.S.C. § 102 may be maintained only if a reference being relied upon expressly or inherently discloses a claimed invention "as a whole," i.e., each and every element considering each and every word. To be "inherently" described in a reference, the reference "must make clear that the missing descriptive matter is necessarily present in the thing described and that it would be so recognized by persons of ordinary skill." Inherency "may not be established by probabilities or possibilities." The mere fact that a certain thing may result from a given set of circumstances is not sufficient. *Continental Can Co. USA v. Monsanto Co.*, 948 F.3d 1264 (Fed. Cir. 1991). Thus believing that Coad cannot be said to expressly or inherently disclose each and every element set forth in the claims, it is respectfully submitted that the rejection of the claims must be withdrawn.

Considering now Coad, Coad discloses a software development tool for use with object-oriented programming languages, such as Java or C++. More particularly, Coad discloses a system in which the object-oriented language of the source code is identified by the extension of a retrieved file to thereby identify a template which is to be used to convert the source code into

a transient meta model (TMM), i.e., a language-neutral representation of the source code. The system then uses the TMM to display a graphical representation of a project.

From the foregoing it will be appreciated that Coad fails to expressly or inherently disclose the claimed system and method. More particularly, rather than disclose the claimed system and method for examining software written using one of plural data manipulation languages, i.e., a language which suffers the problem of being unstructured (*see* Background section of subject application), the system and method described in Coad is limited to software written using an object oriented language, i.e., a structured programming language such as Java or C++. Accordingly, rather than disclose, teach, or suggest the claimed detecting which one of the plurality of types of data manipulation languages in which software is written to thereby activate rules and logic applicable to the detected one of the plurality of types of data manipulation languages such that graphical representations of flows within the retrieved source code can be displayed by using the rules and logic applicable to the detected one of the plurality of types of data manipulation languages, the system and method of Coad leverages the structured nature of the programming language to merely “convert” the source code into a language-neutral representation and then use the language-neutral representation to display a graphical representation of the project. It is, therefore, owing to these major differences between the system and method described in Coad and that which is claimed that it is respectfully submitted that Coad cannot be said to anticipate or rendered obvious the invention that is set forth in the claims. For at least this reason it is respectfully requested that the rejection be withdrawn.

As concerns the rejection of claims 9-11 and 30-34, it is respectfully submitted that Coad fails to disclose, teach, or suggest the claimed templates of preprogrammed segments of source code that may be placed into source code being edited or the claimed template manager which

automatically corrects segments of source code or which automatically generates segments of source code. Rather, as noted above, Coad only discloses the use of a "template" for the purpose of converting source code into a language neutral representation. Accordingly, the rejection of claims 9-11 and 30-34 must be withdrawn.

It is additionally respectfully submitted that the rejection of the claims fails to specifically call out where Coad discloses the claimed "means for allowing the source code to be executed both locally and remotely," "examining error logs generated by the means for allowing the source code to be executed," "changing the appearance of displayed flows as a function of the source code determined to have errors," "changing the appearance of portions of the displayed source code as a function of the source code determined to have errors," "displaying comments and execution statistics associated with each flow element in response to a mouse-over selection of a flow element," "displaying a list of data inspection function in response to selection of a dataset icon," or "displaying a list of data discovery functions in response to selection of a dataset icon." Since the rejection fails to allege that Coad discloses any of these claim elements and since Coad simply cannot be said to disclose, teach, or suggest any of these claim elements, it is submitted that the dependent claims which set forth such elements must also be deemed to be novel over the disclosure contained with Coad.

CONCLUSION

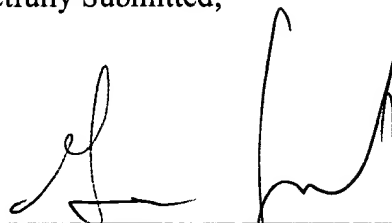
It is respectfully submitted that the application is in good and proper form for allowance. Such action of the part of the Examiner is respectfully requested. Should it be determined, however, that a telephone conference would expedite the prosecution of the subject application, the Examiner is respectfully requested to contact the attorney undersigned.

The Commissioner is authorized to charge any fee deficiency or credit overpayment to deposit account 50-2428 in the name of Greenberg Traurig.

Respectfully Submitted;

Date: August 2, 2005

By:

A handwritten signature in black ink, appearing to read 'Gary R. Jarosik', written over a horizontal line.

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